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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,981	09/17/2003	Jung-Wan Ko	1293.1966	1954
49455	7590	09/25/2007		
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER ORTIZ CRIADO, JORGE L	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/663,981

Applicant(s)

KO ET AL.

Examiner

Jorge L. Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,8,19,20,29,30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,19,20,29,30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 7-8, 19, 20, 29, 30, 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. U.S. Patent No. 6,160,778.

Regarding claim 1, Ito et al. discloses a disc ((1) Fig. 17) usable with respect to a recording and/or reproducing apparatus (Fig. 7), the disc comprising: a data area (5) in which user data (Entry File-A; Figure 3) is recorded; and at least one of a lead-in area and a lead-out area (4) adjacent the data area and which comprises a temporary defect management area (4b) which comprises temporary defect information (22b, 22c) and temporary defect management information (20,21) regarding the user data recorded in the data area (5) and which is accessible by the recording and/or reproducing apparatus to perform defect management on the disc (See Figures 1-4, wherein the temporary defect information includes a position of a defective area (22b information) of the data area and a position of a replacement area (22c information) of the defective area, and the temporary defect management information (20,21) includes information on a position of the temporary defect information (see Figs. 1b, 2)).

Regarding claim 2, Ito et al. discloses wherein: the data area (5) further comprises additional user data (Entry File-B; Figure 4) recorded in the data area (5) in an additional recording operation other than a recording operation during which the user data was recorded in the data area, and the temporary defect management area (4b) further comprises additional temporary defect information (22b, 22c) and additional temporary defect management information (20, 21, additional entry list information) recorded in the temporary defect management area and corresponding to the additional user data recorded in the additional recording operation.

Regarding claim 7, Ito et al. discloses wherein the corresponding temporary defect information (22b, 22c) and temporary defect management information (20, 21) are recorded as a pair of information in the temporary defect management area (4b; as shown in Figures 2-4).

Regarding claim 8, Ito et al. discloses a defect management area (4b) that is present in at least one of the lead-in area and the lead-out area (4), wherein, during finalization of the disc (see Fig. 8, End recording process), a last temporary defect information (22b, 22c) and a last temporary defect management information (20,21), which are last recorded in the temporary defect management area (4b), are recorded as defect information and defect management information in the defect management area (see Fig. 5, the last entries of File-C).

Regarding claim 19, Ito et al. discloses apparatus claim 19 is drawn to the apparatus (720 of Fig. 7) used in the corresponding optical disk claimed in claim 1 and is rejected for the same reasons of anticipation as used above.

Regarding claim 20, Ito et al. further discloses wherein the controller (controlling unit of figure 7) further controls the recording/reading unit: to record additional data (Entry File-B; Figure 4) in the data area (5) according to another recording operation, to record additional temporary defect information (22b, 22c) and additional temporary defect management information (20,21) in the temporary defect management area corresponding to the additional data recorded according to the additional recording operation, and during finalization of the disc (see Fig. 8, End recording process), to record a last recorded temporary defect information and a last recorded temporary defect management information in a defect management area which is present in at least one of the lead-in area and the lead-out area of the disc (see Fig. 5, the last entries of File-C).

Regarding claim 29, Ito et al. discloses wherein the temporary defect management area (4b) comprises a temporary defect information area and a temporary defect management information area (12) other than the temporary defect information area, and the temporary defect management information is recorded in the temporary defect management information area (See figures 2-5).

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Regarding claim 30, Ito et al. discloses wherein the corresponding temporary defect information (22b, 22c) and temporary defect management information (20,21) are recorded as temporary management information in adjacent units in the temporary defect management area (4b; As shown in Figures 1-4).

Regarding claim 32, Ito discloses a disc ((1) Fig. 17) usable with respect to a recording and/or reproducing apparatus (fig. 7), the disc comprising: a data area (5) in which user data (Entry File-A; Figure 3) is recorded, the storage medium comprising: a data area (5) comprising user data; and a management area (4) other than the data area and which comprises a temporary defect management area (4b) comprising temporary defect information (22b, 22c) and temporary defect management information (20,21) regarding the user data recorded in the data area and which is accessible by the recording and/or reproducing apparatus to perform defect management on the disc, wherein the temporary defect information includes a position of a defective area (22b information) of the data area and a position of a replacement area (22c information) of the defective area, and the temporary defect management information (20,21) includes information on a position of the temporary defect information (see Figs. 1b, 2), wherein the storage medium is a write-once storage medium (write once because prevents, after the data (Entry File-A) is recorded on an area of the storage medium, new data (Entries Files B-C) from being written to the area of the storage medium (as shown in Figures 2-5)).

Regarding claim 33, Ito et al. discloses wherein the management area (4) further comprises a defect management area (4b) other than the temporary defect management area and

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comprising the temporary defect information usable by the recording and/or reproducing apparatus to perform the defect management on the storage medium (shown in Figures 2-5).

Regarding claim 34, Ito et al. discloses the data area further comprises additional user data (Entries Files B-C), additional temporary defect information (22b, 22c) corresponding to the additional user data is recorded as additional temporary management information (20,21 additional entry list information) in the temporary defect management area (4b), the additional temporary defect information further comprises the temporary defect information, and the defect management area comprises the additional temporary defect information (See Figures 3-5).

### ***Response to Arguments***

Applicant's arguments filed 07/06/2007 have been fully considered but they are not persuasive.

Applicant argues that Ito fails to disclose or suggest the temporary defect information that includes a position of a defective area of the data area and a position of a replacement area of the defective area. Applicant argues that Ito fails to disclose or suggest the temporary defect management information that includes information on a position of the temporary defect information.

The examiner cannot concur because Ito discloses temporary defect information that includes a position of a defective area (22b) of the data area and a position of a replacement area (22c) of the defective area, as described in figs. 2-5. Ito also discloses temporary defect

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management information that includes information on a position of the temporary defect information (20,21), as described with regard to Figures 1b, 2-5.

Applicant argues that Ito fails to disclose that the storage medium is a write-one storage medium.

The examiner cannot concur with the applicant because Ito discloses that after the data (Entry File-A) is recorded on an area of the storage medium, new data (Entries Files B-C) is prevented from being written to the area of the storage medium (as shown in Figures 2-5), hence the area is once recorded.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

joc

/William Korzuch/

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